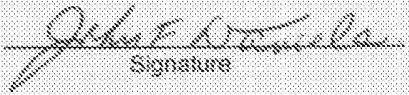


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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Court Number (Optional) H 3185 PCT/US						
<p>I hereby certify that this correspondence is being facsimile/electronically transmitted to the Patent and Trademark Office on the date shown below.</p> <p>Date <u>March 27, 2006</u></p> <p>Signature <u><i>Madeleine Caceres</i></u></p> <p>Typed or printed name <u>Madeleine Caceres</u></p>		<p>In re Application of Bernd Fabry</p> <table border="1"> <tr> <td>Application Number 09/554,387</td> <td>Filed 06/29/2000</td> </tr> <tr> <td colspan="2">For HYPOCHOLESTEREMIC PREPARATIONS CONTAINING MIXTURES OF PHYTO-STEROL(ESTER)S AND CONJUGATED FATTY ACIDS, AND METHODS OF USING THE SAME</td> </tr> <tr> <td>Art Unit 1617</td> <td>Examiner Shaojia A. Jiang</td> </tr> </table>	Application Number 09/554,387	Filed 06/29/2000	For HYPOCHOLESTEREMIC PREPARATIONS CONTAINING MIXTURES OF PHYTO-STEROL(ESTER)S AND CONJUGATED FATTY ACIDS, AND METHODS OF USING THE SAME		Art Unit 1617	Examiner Shaojia A. Jiang
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Art Unit 1617	Examiner Shaojia A. Jiang							
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.								
The fee for this Notice of Appeal is (37 CFR 1.17(b))		<u>\$ 500.00</u>						
<p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$ _____</u></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1177</u>. I have enclosed a duplicate copy of this sheet. Order No. <u>06-0108</u>.</p> <p><input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/23) is enclosed.</p>								
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/66)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p>								
Registration Number <u>34,314</u>		 Signature						
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration Number <u>34,314</u>		<u>John F. Daniels</u> Typed or printed name						
		<u>216-628-1413</u> Telephone number						
		<u>March 27, 2006</u> Date						
		<u>23657</u> Customer Number						
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required; see below.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted</p>								

This collection of information is required by 37 CFR 1.181. The information is required to obtain or retain a benefit by the public which is to be had by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 123 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.